### ORIGINAL

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEWIS JOHNSON,

Plaintiff

No. 1:CV-00-1873

V.

(Judge McClure

HERSHEL W. GOBER, Acting Secretary of Veterans Affairs; et al.,

Defendants

# DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME

Defendants, Hershel W. Gober, the former Acting Secretary of Veterans Affairs, Rodney Kiscadden, Alice Fidler, Irvin Erickson, and Raymond Kent, by their counsel and pursuant to Fed. R. Civ. P. 6(b), request the Court to grant them a two week extension of time in which to file their brief in support of their motion for summary judgment and state the following in support thereof:

- 1. This is an employment lawsuit filed by plaintiff concerning his employment at the Lebanon Medical Center, Veteran's Administration.
- 2. Discovery recently concluded and defendants subsequently moved for summary judgment.
- 3. Defendants' brief in support of their summary judgment motion is due on May 29, 2002.
- 4. In the past few months, defense counsel's schedule has contained a number of complex cases and/or cases of an emergent nature. Further, a civil

34 5/23/1 96 Assistant U.S. Attorney position has been vacant for a number of months, which has caused additional workload problems. Despite defense counsel working extensive overtime, she has been unable to prepare defendants' brief in support of their motion for summary judgment.

- 5. Further, defense counsel has a number of depositions and deposition preparations sessions in the next two weeks. Additionally, defense counsel is going to be out of the office at a Community Health Center conference. Otherwise, defense counsel has numerous briefs to prepare in her various cases.
- 6. Accordingly, defendants request a two-week extension of time so that they can prepare a thorough summary judgment brief to address the various issues in this case.
- 7. Defense counsel has contacted plaintiff's counsel, Andrew J. Ostrowski, who has **concurred** in defendants' motion.

Wherefore, defendants request that this Court grant their motion for a two-week extension of time.

Respectfully submitted,

THOMAS A. MARINO United States Attorney

KATE L. MERSHIMER Assistant U.S. Attorney 228 Walnut Street

P.O. Box 11754

Harrisburg, PA 17108-1754

717/221-4482

Date: May 22, 2002

### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEWIS JOHNSON,

Plaintiff : No. 1:CV-00-1873

v. : (Judge McClure)

:

HERSHEL W. GOBER, Acting Secretary of : Veterans Affairs; et al., : Defendants :

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 22<sup>nd</sup> day of May, 2002, she served a copy of the attached

## DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States mail at Harrisburg, Pennsylvania.

#### Addressee:

Andrew J. Ostrowski, Esquire 4311 North Sixth Street Harrisburg, PA 17110

KATE L. MERSHIMER Assistant U.S. Attorney